

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

STEVEN KINFORD,  
 #64984

Plaintiff,

vs.

JAMES PINCOCK,

Defendant.

3:13-cv-00115-RCJ-WGC

**ORDER**

This is a prisoner action brought pursuant to 42 U.S.C. § 1983. On May 17, 2013, this court dismissed plaintiff's complaint with prejudice and without leave to amend for failure to state a claim for which relief may be granted (ECF #3). Plaintiff filed a notice of appeal on June 6, 2013 (ECF #6).

On June 10, 2013, the Ninth Circuit Court of Appeals referred this matter to this court for the limited purpose of determining whether *in forma pauperis* status should continue for the appeal or whether the appeal is frivolous or taken in bad faith (ECF #9). Accordingly, this court certifies that any *in forma pauperis* appeal from its order would not be taken "in good faith" pursuant to 28 U.S.C. § 1915(a)(3). See *Coppedge v. United States*, 369 U.S. 438, 445 (1962); *Gardner v. Pogue*, 558 F.2d

1 548, 550 (9<sup>th</sup> Cir. 1977) (indigent appellant is permitted to proceed *in forma pauperis* on appeal only if  
2 appeal would not be frivolous).

3 **IT IS THEREFORE ORDERED** that this court **CERTIFIES** that any *in forma*  
4 *pauperis* appeal from its order dated May 17, 2013 (ECF #3) would not be taken “in good faith”  
5 pursuant to 28 U.S.C. § 1915(a)(3).

6 Dated this 9th day of July, 2013.  
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UNITED STATES DISTRICT JUDGE